

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Application Division  
 Peter Charles SUMMERSELL ) ATTN: PCT  
 Serial No.: 10/031,453 ) Washington, D.C.  
 IA Filing Date: July 20, 2000 ) Date: May 29, 2002  
 For: SURGICAL DEVICE

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC

371

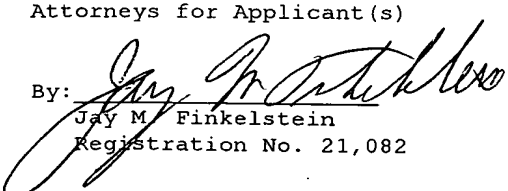
HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated March 29, 2002.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date, priority information, and PCT information.
- [XX] Applicant claims small entity status. See CR 1.27.
- [ ] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. 1.821-1.825, Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
- [ ] An Information Disclosure Statement with 1449 and references is also attached.
- [ ] A Preliminary Amendment
- [ ] An exact English language translation of the PCT application as originally filed.
- [ ] Other documents: \_\_\_\_\_
- [ ] Surcharge for late filing of English translation \$ 130.00
- [XX] Surcharge for late filing of the Declaration was paid on January 22, 2002.
- [ ] Surcharge for late filing of the Declaration in the amount of:
- |              |                         |
|--------------|-------------------------|
| Small Entity | Other than Small Entity |
| [ ] \$65.00  | [ ] \$130.00            |
- [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
- |                             |                             |
|-----------------------------|-----------------------------|
| Small Entity                | Other Than Small Entity     |
| Response Filed Within       | Response Filed Within       |
| [ ] First - \$ 55.00        | [ ] First - \$ 110.00       |
| [ ] Second - \$ 200.00      | [ ] Second - \$ 400.00      |
| [ ] Third - \$ 460.00       | [ ] Third - \$ 920.00       |
| [ ] Fourth - \$ 720.00      | [ ] Fourth - \$1,440.00     |
| [ ] Fifth - \$ 980.00       | [ ] Fifth - \$1,960.00      |
| Month After Time Period Set | Month After Time Period Set |
- [XX] Conditional Petition for Extension of Time:  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [ ] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$.00 is enclosed to cover the above fees.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:   
 Jay M. Finkelstein  
 Registration No. 21,082

JMF:sfg